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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,092	12/12/2003	James A. Mize	D-43463-01	1595

7590 11/03/2005

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EXAMINER
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CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/735,092

Applicant(s)

MIZE, JAMES A.

Examiner

Alicia Chevalier

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 21-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-25 are pending in the application, claims 21-25 are withdrawn from consideration.

#### *Election/Restrictions*

2. Applicant's election without traverse of Group I, claims 1-20, in the reply filed on August 17, 2005 is acknowledged.
3. Claims 21-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 17, 2005.

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrell (U.S. Patent No. 4,262,581) in view of Ramirez (U.S. Patent No. 6,214,392) and Walters et al. (U.S. Patent No. 4,501,780).

Regarding Applicant's claims 1, 3, 10, 16 and 20 Ferrell discloses a set of bags made from a film, the first set of bags comprising a first lay-flat bag and a second lay-flat bag joined

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along their respective lengths, an end seal extending across both the first bag and the second bag, the first bag having a first side seal extending the length of the first bag and the second bag having a second side-seal extending the length of the second bag, with the first bag being connected with the second bag in an area between the first side-seal and the second side-seal and a second set of bags comprising a third and fourth bag, the second set of bags having a second end-seal extending across both the third bag and the fourth bag, the third bag having a third side seal extending the length of the third bag and the fourth bag having a fourth side seal extending the length of fourth bag, the third bag being connected with the fourth bag area between the third and the fourth side seal and wherein the second set of bags is joined to the first set of bags in an area below the first end seal (*col. 6, lines 25-53 and figure 9*).

Ferrell fails to disclose that both the first bag and the second bag have a total free shrink at 185 °F of at least 10 percent or 15 percent, and a transverse free shrink at 185 °F which is greater than a longitudinal free shrink at 185 °F.

Ramirez discloses a bag with a total free shrink at 185 °F of at least 15 percent (*col. 7, lines 31-36*), which allows the bag to heat shrinkable and to reduce in size instead of increase tension (*col. 8, lines 19-30*).

Walters discloses that the transverse free shrink at 185 °F which is greater than a longitudinal free shrink at 185 °F (*col. 7, lines 20-23*), which helps provided a higher variable pressure hot burst test seal strengths (*col. 7, lines 24-36*).

Ferrell, Ramirez and Walters are analogous because they all disclose tubular films that are made into bags.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to make Ferrell's bag with a total free shrink at 185 °F of at least 15 percent as taught by Ramirez in order to allow the bag to be heat shrinkable and to reduce in size instead of increase tension.

It would have been obvious to one of ordinary skill in the art at the time of the invention to make Ferrell's bag with the transverse free shrink at 185 °F which is greater than a longitudinal free shrink at 185 °F as taught by Walters in order to provide higher variable pressure hot burst test seal strengths.

Regarding Applicant's claim 2, figures 9 and 10 in Ferrell show that the set of bags has a first outer side edge and a second outer side edge, and at least one of the first outer side edge and the second outer side edge is a folded edge.

Regarding Applicant's claim 4, Ferrell discloses that the ends-seal, the first side-seal, and the second side-seal are heat seals (*col. 6, lines 21-24*).

Regarding Applicant's claim 5, figures 9 and 10 in Ferrell show that the end seal, the first side-seal, and the second side-seal are each a seal of an inside surface of a seamless tubing to itself.

Regarding Applicant's claim 6, figures 9 and 10 in Ferrell show that the bags comprise a line of weakness between the first and the second bag, the line of weakness being between the first side seal and the second side seal.

Regarding Applicant's claim 7, figures 9 and 10 in Ferrell show that the line of weakness between the first bag and the second bag comprises perforations.

Regarding Applicant's claim 8, figures 9 and 10 in Ferrell show that a patch is adhered to at least one member selected from the group consisting of the first bag and the second bag.

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Regarding Applicant's claim 9, figures 9 and 10 in Ferrell show that the first bag has a first patch adhered thereto, and the second bag has a second patch adhered thereto.

Regarding Applicant's claims 11 and 19, figures 9 and 10 in Ferrell show a third bag between the first and second bag, the third bag having two sides seals and an end seal.

Regarding Applicant's claim 12, figures 9 and 10 in Ferrell show that the set is a pair of bags.

Regarding Applicant's claims 13 and 14, Ramirez discloses that the film is a multilayer film comprising a first outer film layer, a second outer film layer and an inner O<sub>2</sub>-barrier layer comprising at least one polymer selected from the group consisting of see claim 13 and that the multilayer film comprises a fourth (*col. 8, lines 1-67*).

Regarding Applicant's claim 15, Ferrell discloses that the both the first bag and the second bag have printing thereon (*title*).

Regarding Applicant's claims 17 and 18, figures 9 and 10 in Ferrell show that the second set of bags are joined to the first set of bags along a transverse line of weakness that comprises perforations.

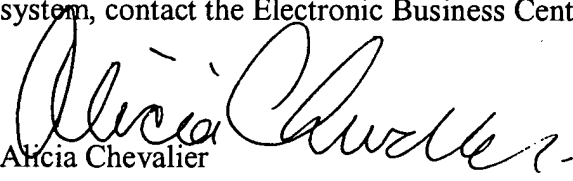
### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alicia Chevalier  
Primary Examiner  
10/29/05

